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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,887	07/18/2003	Takeharu Muramatsu	1907-0210P	3065
2292	7590	06/30/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			PAIK, STEVE S	
PO BOX 747				
FALLS CHURCH, VA 22040-0747			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/621,887	MURAMATSU, TAKEHARU	
	Examiner	Art Unit	
	Steven S. Paik	2876	X

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 18 July 2003.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-41 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1 and 28 is/are rejected.
 7) Claim(s) 2-27 and 29-41 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 18 July 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 12/15/2003.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Response to Amendment

2. Receipt is acknowledged of the Pre-Amendment filed July 18, 2003.

Claim Objections

3. Claims 1, 5, 11, 12, 26-29, 38 and 39 are objected to because of the following informalities: The examiner respectfully suggests following changes.

Claim 1: please replace the word, "such as" in line 4 with -- arranged --.

Please replace the word, "pattern" in line 14 with -- patterns --.

Claim 2: please replace the word, "such as" in line 9 with -- arranged in --.

Claim 5: please delete the phrase, "which are" in line 3 and "positioned so as" in line 4.

Claim 11: please replace the word, "its" in line 11 with – the version of said two-dimensional code --.

Claim 12: please replace phrase, "in that if it is determined that it is " in line 6 with -- if the orientation of the two-dimensional code is rotated --.

Claim 26: --The two-dimensional code reading apparatus as defined in Claim 1, wherein a portable terminal which is built in a camera further comprising the two-dimensional code reading apparatus.--

Claim 27: --The two-dimensional code reading apparatus as defined in Claim 1, further comprising a digital camera including the two-dimensional code reading apparatus.--

Claim 28: please replace the word, "such as" in line 4 with -- arranged --.

Claim 29: please replace the word, "such as" in line 8 with -- arranged in --.

Claim 38: --The two-dimensional code reading process as defined in Claim 28, further comprising a computer program for reading the two-dimensional code.--

Claim 39: --The two-dimensional code reading process as defined in Claim 38, further comprising a recording medium storing said computer program.--

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims rejected under 35 U.S.C. 102(b) as being anticipated by Ooshima et al. (US 6,267,296).

Re claims 1 and 28, Ooshima discloses a two-dimensional code reading apparatus (optical reader 2 designed to read the two-dimensional code 52) and process for reading from an input image a two-dimensional code (52) which is representative of various items of information by arranging in a two-dimensional form, such as in a horizontal and vertical directions (code 52 shows images arranged in horizontal and vertical directions), data cells, each recording binary data thereon, and said two-dimensional code (52) comprising finder patterns (54a-54c), each having a specific first pattern (Fig. 3a) which are disposed in a plurality of predetermined positions within said two-dimensional code for identifying position said two-dimensional code

within said input image, and an alignment pattern (60) which is dimensional code within said input image. and an alignment pattern which is disposed in a predetermined position (col. 8, ll. 33-41) different from those of the finder patterns within said two-dimensional code, said alignment pattern having a second pattern which is different from the first pattern specific to said finder pattern, wherein processing for detecting the positions of said plurality of finder patterns which are disposed in the plurality of predetermined positions from said input image is conducted based upon a result of scanning (via optical reader 2) of said input image in a plurality of directions; processing for detecting the position of said alignment pattern is conducted based upon the detected finder patterns (col. 8, ll. 1-53); processing for determining a version (format code 70) of said two-dimensional code which defines the number of cells constituting said two-dimensional code is conducted based upon said detected finder patterns (col. 3, ll. 1-21); processing for cutting out the data cells which define the data value of each of the data cells (Aa and Ab in Fig. 3a) constituting said two-dimensional code is conducted based upon the positions of said detected finder patterns (54a-54c) and said alignment pattern (60) and said version (70) which is determined by said version determining process; and processing for decoding to identify the information of said two-dimensional code is conducted in accordance with a predetermined rule from the data values of the data cells which are determined by said data cutting out processing (col. 3, line 26- col. 6, line 36).

Allowable Subject Matter

6. Claims 2-27 and 29-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: the closest cited prior art does not disclose, teach or fairly suggest the claimed invention comprising, among other things, identifying the positions of the finder pattern by detecting the positions of the finder patterns disposed in predetermined plural positions based upon the results of scanning of the input image having recorded two-dimension code thereon in a plurality of directions, including horizontal, vertical and inclined directions, by conducting the detection based upon the features of the finder patterns using an evaluation value representative of the approximation between the detected finder pattern and the first pattern specific to the finder pattern and an acceptable value of the difference between the width of the detected finder pattern and the width which is predetermined as the finder pattern.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Iwai et al. (US 5,686,718) disclose a method for recording and decoding a two-dimensional code.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven S. Paik whose telephone number is 571-272-2404. The examiner can normally be reached on Mon - Fri (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven S. Paik
Examiner
Art Unit 2876

ssp